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APPLICATION NO	D	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/659,740 09/11/2003		09/11/2003	Timothy Allen Musgrove	002566-12	3457
22204	7590	02/23/2005		EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW				CHOULES, JACK M	
SUITE 90	,	N VV		ART UNIT PAPER NUMBER	
WASHING	WASHINGTON, DC 20004-2128			2167	
				DATE MAILED: 02/23/200:	5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	
	10/659,740	MUSGROVE ET AL.	
Office Action Summary	Examiner	Art Unit	
·	Jack M Choules	2167	· · · · · · · · · · · · · · · · · · ·
The MAILING DATE of this communication ap Period for Reply	ppears on the cover sheet with	the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a rep. If NO period for reply is specified above, the maximum statutory period.  - Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	.136(a). In no event, however, may a reply within the statutory minimum of thirty of will apply and will expire SIX (6) MONT te, cause the application to become ABA	oly be timely filed  (30) days will be considered timely.  HS from the mailing date of this communic  NDONED (35 U.S.C. § 133).	cation.
Status			
1) Responsive to communication(s) filed on 115	September 2003.		
2a) This action is <b>FINAL</b> . 2b) ⊠ Thi	is action is non-final.		
3) Since this application is in condition for allows closed in accordance with the practice under	·	·	ts is
Disposition of Claims			
4) ⊠ Claim(s) 1-72 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 1-72 are subject to restriction and/or	awn from consideration.		
Application Papers			
9)☐ The specification is objected to by the Examin	er.	,	
10) The drawing(s) filed on is/are: a) acc	•		
Applicant may not request that any objection to the		` '	0441
Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E		•	• •
Priority under 35 U.S.C. § 119			
<ul> <li>12) Acknowledgment is made of a claim for foreign</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority document</li> <li>2. Certified copies of the priority document</li> <li>3. Copies of the certified copies of the priority application from the International Bureat</li> <li>* See the attached detailed Office action for a list</li> </ul>	nts have been received. Its have been received in Appority documents have been reule (PCT Rule 17.2(a)).	plication No eceived in this National Stage	<b>:</b>
Attachment(s)  1)  Notice of References Cited (PTO-892)	/ 4\ □ Intonio S:	mmary (PTO-413)	,
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date 11/03.</li> </ol>	Paper No(s)	mmary (P1O-413)  /Mail Date  primal Patent Application (PTO-152)	

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-33, 39-42, 45-56, 59-65, 71-72 are drawn to product ID generation and classification in a taxonomy, and creating product specifications being an application of a database, classified in class 707, subclass 104.1.
  - II. Claims 34-38, 43-44, 57, 58, 66-70 are drawn to Web crawling to collect product information being remote data access, classified in class 707, subclass 10.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as the classification can take place on a collection of product data that exists in a single file system or database without the need for a web crawler. See MPEP § 806.05(d).
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

5. A telephone call was made to Marc Kaufman on 14 February 2005 to request an oral election to the above restriction requirement, but did not result in an election being made as the applicants representative was not in to respond and has been unable to respond in a reasonable period. (In other words the examiner attempted to call got an answering machine and left a message.)

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). Further if the applicant wishes he may respond by telephone as the election and correction to claim dependency may be resolved through telephone practice and the cases be acted on the merits soon thereafter.

- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Note: although the dependency of claim 37 is on claim 30, which depends on independent claim 23 of group I, claim 37 was placed in group II as the material of claim 37 has no antecedent basis in group I, however, would have if it depended on claim 34 of group II. The

applicant is requested to check the dependence of claim 37. Claims 57 and 58 may also be displaced but there is no such evidence to support the reasoning.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack M Choules whose telephone number is (571) 272-4109. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jack M Choules
Primary Examiner
Art Unit 2167

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